

## Remarks

Applicants' representative thanks Examiner Lao for the indication of allowable subject matter. In the Office Action dated July 14, 2004, the Examiner provisionally rejected claims 1-45 under the judicially created doctrine of double patenting over claims 1-41 and 43-44 of co-pending U.S. application no. 09/382,851, rejected claims 1, 9-11, 13, 15-16, 35-38, 40-41 and 45 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,356,641 to Warnaka, et al. (hereinafter Warnaka) in view of U.S. Patent No. 5,754,664 to Clark (hereinafter Clark), rejected claims 2-4, 14, 17 and 43 under 35 U.S.C. § 103 as being unpatentable over Warnaka as modified by Clark and further in view of U.S. Patent No. 5,887,071 to House, rejected claims 5-8 under 35 U.S.C. § 103 as being unpatentable over Warnaka as modified by Clark and further in view of U.S. Patent No. 4,385,210 to Marquiss, rejected claims 18-23 and 25-34 under 35 U.S.C. § 103 as being unpatentable over Warnaka in view of Clark and further in view of WO 99/11490 to Azima, et al. (hereinafter Azima WO '490), rejected claim 39 under 35 U.S.C. § 103 as being unpatentable over Warnaka as modified by Clark and further in view of U.S. Patent No. 5,450,057 to Watanabe, and rejected claims 42 and 44 under 35 U.S.C. § 103 as being unpatentable over Warnaka as modified by Clark and further in view of U.S. Patent No. 6,332,029 to Azima (hereinafter Azima '029). The Examiner objected to claims 12 and 24 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 46-61 are withdrawn.

With respect to the Examiner's rejections, the Examiner is requested to consider the following remarks.

Regarding the provisional double patenting rejection of claims 1-45 over claims 1-41 and 43-44 of co-pending Application No. 09/382,851, Applicants submit herewith a Terminal Disclaimer to Application No. 09/382,851 thereby obviating the provisional double patenting rejection.

Regarding the rejections under 35 U.S.C. § 103 of claims 1-11, 13-23, and 25-45, Applicants submit herewith a Notice of Appeal thereby reinstating the Appeal, and a Supplemental Appeal Brief directed to the rejections presented in the Office Action dated July 14, 2004.

Consequently, in view of these remarks, Applicants respectfully contend that the rejections have been fully replied to and traversed, and that the application is in condition for allowance, and the Examiner is respectfully requested to pass this case to issue. No fee is believed to be due for the filing of this paper. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,  
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